AMENDMENT NO.1 [FINAL EXTENSION]

TO

GRANT NO. G1200574

BETWEEN THE

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF EVERETT

PURPOSE: To amend the Agreement between the state of Washington Department of Ecology, hereinafter referred to as 'DEPARTMENT,' and the City of Everett, hereinafter referred to as 'RECIPIENT,' for the 3rd Ave SE Detention Pond Retrofit project.

IT IS MUTUALLY AGREED the agreement is amended as follows:

1) Is amended to read as follows:

The grant expiration date is changed from May 1, 2015, to October 31, 2015.

2) The following language will be added to Attachment II General Terms and Conditions:

W. FUNDING AVAILABILITY

The DEPARTMENT's ability to make payments is contingent on availability of funding. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of this agreement, the DEPARTMENT, at its sole discretion, may elect to terminate the agreement, in whole or part, or renegotiate the agreement, subject to new funding limitations or conditions. The DEPARTMENT may also elect to suspend performance of the agreement until the DEPARTMENT determines the funding insufficiency is resolved. The DEPARTMENT may exercise any of these options with no notification restrictions.

All other terms and conditions of the original Agreement including any Amendments remain in full force and effect, except as expressly provided by this Amendment.

This Amendment is signed by persons who represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This Amendment is effective upon the signature date of the DEPARTMENT.

State of Washington Department of Ecology
Grant No. G1200574, Amendment 1 [FINAL EXTENSION]
City of Everett

IN WITNESS WHEREOF: the parties have signed this Amendment.

State of Washington   **City of Everett**
Department of Ecology

Signature _____ Date   _Signature_ _____ Date

Heather R. Bartlett   Ray Stephanson
Water Quality Program Manager   Mayor

APPROVED AS TO FORM

JAMES D. ILE City Attorney

Approved as to form only.
Assistant Attorney General

ATTEST:

City Clerk

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Amendment No. 1 to 2012 State Stormwater Grant Agreement No. G1200574 with the Washington State Department of Ecology

	Briefing
	Proposed Action
X	Consent
	Action
	First Reading
	Second Reading
	Third Reading
	Public Hearing
	Budget Advisory

COUNCIL BILL #	
Originating Department	Public Works
Contact Person	Heather Griffin
Phone Number	(425) 257-7206
FOR AGENDA OF	June 24, 2015

Initialed by:
Department Head
CAA   *db*
Council President   *DO*

Location	**Preceding Action**	**Attachments**	**Department(s) Approval**
Brookridge Blvd & 1st Drive SE	10/31/2012 Grant Agreement G1200552	Amendment No. 1 to Grant No. G1200552	Public Works

Amount Budgeted	$520,000	
Expenditure Required	-0-	Account Number(s): 401
Budget Remaining	$435,051	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

Amendment No. 1 to the Statewide Stormwater Grant Agreement for the Brookridge Detention Facility Retrofit provides for a time extension from May 1, 2015 to October 31, 2015.

The project is located in the North Creek basin at 3rd Avenue SE, south of SE Everett Mall Way. The City-owned pond is not providing any water quality treatment. The 3rd Avenue SE Detention Pond Retrofit will update the existing system to provide water quality treatment.

The Ecology Grant Agreement provides 75% of the total project costs in grant funding and requires a local 25% match. The total project cost estimate is $476,696, with Ecology funding $357,522 through the original agreement. The required local match remains at $119,174.

RECOMMENDATION: Authorize the Mayor to sign Amendment No. 1 to 2012 State Stormwater Grant Agreement No. G1200574 with the Washington State Department of Ecology for a time extension to October 31, 2015, at no additional cost to the City